

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
12-CA-288929	January 13, 2022

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer <b>Johnson Controls-York International Corp.</b>	b. Tel. No.
	c. Cell No. (b) (6), (b) (7)(C)
d. Address (Street, city, state, and ZIP code) 5757 N. Green Bay Ave. Milwaukee, WI 53209  York Factory Direct Orlando Hub 4127 Seaboard Rd. Suite D Orlando, FL 32808	e. Employer Representative (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Johnson Controls, Inc.- York Factory Direct
	f. Fax No.
	g. e-mail (b) (6), (b) (7)(C)@jci.com
	h. Number of Workers Employed 10,000+
i. Type of Establishment (factory, mine, wholesaler, etc.) HVAC	j. Identify Principal Product or Service Heating and Cooling
<p>1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p> <p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>Since a date in October 2021, the above-named Employer, by its officers, agents, and representatives, has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by interrogating employees about their protected concerted activities.</p> <p>Since about October 2021, the above-named Employer, by its officers, agents, and representatives, has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening employees with discharge for engaging in protected concerted activities.</p> <p>On (b) (6), (b) (7)(C) 2022, the above-named Employer, by its officers, agents, and representatives, discriminated against employee (b) (6), (b) (7)(C) by discharging (b) (6), (b) (7)(C) in retaliation for and or in order to discourage protected concerted activities.</p>	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)	
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION	
I declare that I have read the above charge and that the statements are true to the best of my knowledge.	
(b) (6), (b) (7)(C) (Signature of representative of person making charge)	(b) (6), (b) (7)(C) (Print/type name and title or office, if any)
Address: (b) (6), (b) (7)(C)	Date: Jan 13, 2022
	Tel. No. (b) (6), (b) (7)(C)
	Office, if any, Cell No.
	Fax No.
	e-mail (b) (6), (b) (7)(C)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 24  
525 F D ROOSEVELT AVE STE 1002  
SAN JUAN, PR 00918-1002

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (833)215-9196  
Fax: (787)766-5478



Download  
NLRB  
Mobile App

January 14, 2022

(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Johnson Controls-York International Corp.  
5757 N. Green Bay Ave.  
Milwaukee, WI 53209

York Factory Direct  
4127 Seaboard Rd. Suite D.  
Orlando, FL 32808

Re: Johnson Controls-York International Corp.  
Case 12-CA-288929

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Cliff Ramos whose telephone number is (787)523-8687. If this Board agent is not available, you may contact Officer in Charge Vanessa Garcia whose telephone number is (787)523-8090.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of

January 14, 2022

the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlr.gov](http://www.nlr.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).



January 14, 2022

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

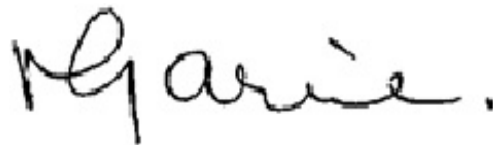
In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

David Cohen  
Regional Director

A handwritten signature in black ink, appearing to read "Vanessa Garcia", with a stylized flourish at the end.

By:

Vanessa Garcia  
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

## QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 12-CA-288929
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## 1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

## 2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )

## 3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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## 4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

## 5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

## 6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

## 7A. PRINCIPAL LOCATION:

## 7B. BRANCH LOCATIONS:

## 8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

## A. TOTAL:

## B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES \_\_\_\_\_)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

## 10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

## 11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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## 12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**JOHNSON CONTROLS-YORK INTERNATIONAL CORP.**

Charged Party

and

**(b) (6), (b) (7)(C), AN INDIVIDUAL**

Charging Party

**Case 12-CA-288929**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on January 14, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**  
**(b) (6), (b) (7)(C)**  
Johnson Controls-York International Corp.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

**(b) (6), (b) (7)(C)**  
**(b) (6), (b) (7)(C)**  
York Factory Direct  
4127 Seaboard Rd. Suite D.  
Orlando, FL 32808

January 14, 2022

Date

Santos I. Designated Agent of NLRB

Name

*Santos I. Berrios*

Signature

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**JOHNSON CONTROLS-YORK INTERNATIONAL CORP.**

Charged Party

and

**(b) (6), (b) (7)(C)**, AN INDIVIDUAL

Charging Party

**Case 12-CA-288929**

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I, the undersigned employee of the National Labor Relations Board, state under oath that on January 14, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

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Johnson Controls-York International Corp.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

**(b) (6), (b) (7)(C)**  
**(b) (6), (b) (7)(C)**  
York Factory Direct  
4127 Seaboard Rd. Suite D.  
Orlando, FL 32808

January 14, 2022

Date

Santos I. Designated Agent of NLRB

Name

*Santos I. Berrios*

Signature





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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Telephone: (833)215-9196  
Fax: (787)766-5478



Download  
NLRB  
Mobile App

January 14, 2022

(b) (6), (b) (7)(C)

Re: Johnson Controls-York International Corp.  
Case 12-CA-288929

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on January 13, 2022 has been docketed as case number 12-CA-288929. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Cliff Ramos whose telephone number is (787)523-8687. If this Board agent is not available, you may contact Officer in Charge Vanessa Garcia whose telephone number is (787)523-8090.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other

January 14, 2022

witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlrb.gov](http://www.nlrb.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB



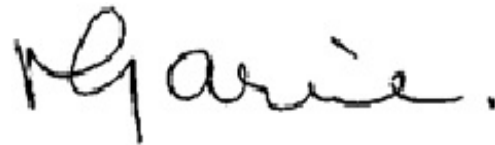
January 14, 2022

office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

David Cohen  
Regional Director

A handwritten signature in black ink, appearing to read "Vanessa Garcia", with a stylized initial "V" and a period at the end.

By:

Vanessa Garcia  
Officer in Charge

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Individual \_\_\_\_\_ and \_\_\_\_\_

CASE 12-CA-288929

Johnson Controls-York International Corp.

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
Johnson Controls


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Tammara M. Lovett  
MAILING ADDRESS: 5757 N Green Bay Ave  
Milwaukee WI  
E-MAIL ADDRESS: tammara.lovett@jci.com  
OFFICE TELEPHONE NUMBER: 4145243209  
CELL PHONE NUMBER: 4142183401 FAX: \_\_\_\_\_  
SIGNATURE:   
(Please sign in ink.)  
DATE: Tuesday, January 25, 2022 6:35 PM Eastern Standard Time

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY. A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**1<sup>st</sup> Amended CHARGE AGAINST EMPLOYER****INSTRUCTIONS:**

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
<b>12-CA-288929</b>	<b>3/21/2022</b>

a. Name of Employer <b>York International Corp., a subsidiary or affiliate of Johnson Controls</b>		b. Tel. No. <b>(b) (6), (b) (7)(C)</b>
		c. cell phone
d. Address (street, city, state ZIP code) 5757 N. Green Bay Ave. Milwaukee, WI 53209  York Factory Direct Orlando Hub 4127 Seaboard Rd. Suite D Orlando, FL 32808	e. Employer Representative  <b>(b) (6), (b) (7)(C)</b> <b>(b) (6), (b) (7)(C)</b> <b>(b) (6), (b) (7)(C)</b>	f. Fax No. <b>787-799-2930</b>
		g. e-Mail <b>(b) (6), (b) (7)(C)@ici.com</b> and <b>(b) (6), (b) (7)(C)@ici.com</b>
		h. Dispute Location (City and State) <b>Orlando, Fla.</b>
i. Type of Establishment (factory, nursing home, hotel) <b>HVAC Corporation</b>	j. Principal Product or Service <b>Heating and Cooling</b>	k. Number of workers at dispute location <b>over 10000</b>

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since about October 2021, the above-named Employer, by its officers, agents, and representatives, has interfered, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by interrogating employees about their protected concerted activities.

During the past six months, the above Employer has and/or promulgated work policies regarding the prohibition/restriction to discuss the pay and/or benefits with other employees, which discriminatorily discourages employees from exercising rights guaranteed to them by Section 7 of the Act.

Since about October 2021, the above-named Employer, by its officers, agents, and representatives, has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening employees with discharge for engaging in protected concerted activities,

On **(b) (6), (b) (7)(C)** 2022, the above-named Employer, by its officers, agents, and representatives, discriminated against employee **(b) (6), (b) (7)(C)** by discharging **(b) (6), (b) (7)(C)** in retaliation for and or in order to discourage protected concerted activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

**(b) (6), (b) (7)(C)**

4a. Address (street and number, city, state, and ZIP code)

**(b) (6), (b) (7)(C)**

4b. Tel. No.

4c. Cell No.

**(b) (6), (b) (7)(C)**

4d. Fax No.

4e. e-Mail **(b) (6), (b) (7)(C)**

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.

same

Office, if any, Cell No.

same

By **(b) (6), (b) (7)(C)**

**(b) (6), (b) (7)(C), an  
Individual**

(signature of representative or person making charge)

Print Name and Title e

Fax No. same

Address:

Date:

e-Mail same

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 24  
525 F D ROOSEVELT AVE, STE 1002  
SAN JUAN, PR 00918-1002

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (833)215-9196  
Fax: (787)766-5478



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March 22, 2022

(b) (6), (b) (7)(C)

Re: York International Corp., a subsidiary or  
affiliate of Johnson Controls  
Case 12-CA-288929

Dear (b) (6), (b) (7)(C)

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Examiner CLIFF RAMOS whose telephone number is (787)523-8687. If the agent is not available, you may contact Officer in Charge VANESSA GARCIA whose telephone number is (787)523-8090.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the

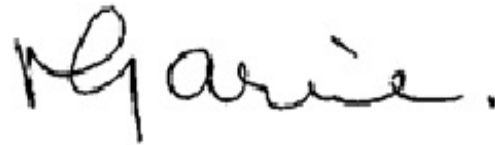
March 22, 2022

Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

DAVID COHEN  
Regional Director

A handwritten signature in black ink, appearing to read "V. Garcia", with a stylized initial "V" and a period at the end.

By:

VANESSA GARCIA  
Officer in Charge



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 24  
525 F D ROOSEVELT AVE, STE 1002  
SAN JUAN, PR 00918-1002

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (833)215-9196  
Fax: (787)766-5478



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March 22, 2022

(b) (6), (b) (7)(C)

Johnson Controls-York International Corp.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

Re: York International Corp., a subsidiary or  
affiliate of Johnson Controls  
Case 12-CA-288929

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner CLIFF RAMOS whose telephone number is (787)523-8687. If the agent is not available, you may contact Officer in Charge VANESSA GARCIA whose telephone number is (787)523-8090.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn



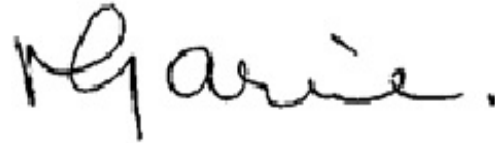
March 22, 2022

statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

DAVID COHEN  
Regional Director



By:

VANESSA GARCIA  
Officer in Charge

Enclosure: Copy of first amended charge

cc: **(b) (6), (b) (7)(C)**  
York Factory Direct  
4127 Seaboard Rd, Suite D  
Orlando, FL 32808

Tammara M. Lovett, Esq.  
Johnson Controls, Inc.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

Jennifer Ellis, Esq.  
Johnson Controls  
6600 Congress Ave  
Boca Raton, FL 33487

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**YORK INTERNATIONAL CORP., A  
SUBSIDIARY OR AFFILIATE OF JOHNSON  
CONTROLS**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

**Case 12-CA-288929**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 22, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**  
Johnson Controls-York International Corp.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

Jennifer Ellis, Esq.  
Johnson Controls  
6600 Congress Ave  
Boca Raton, FL 33487

**(b) (6), (b) (7)(C)**  
York Factory Direct  
4127 Seaboard Rd, Suite D  
Orlando, FL 32808

Tammara M. Lovett, Esq.  
Johnson Controls, Inc.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

March 22, 2022

Date

Ed Ramos, Designated Agent of NLRB

Name

/s/ Ed Ramos

Signature

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**2<sup>nd</sup> Amended CHARGE AGAINST EMPLOYER****INSTRUCTIONS:**

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
<b>12-CA-288929</b>	<b>March 29, 2022</b>

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer <b>York International Corp., a subsidiary or affiliate of Johnson Controls</b>		b. Tel. No. <b>(b) (6), (b) (7)(C)</b>
		c. cell phone
d. Address (street, city, state ZIP code) <b>5757 N. Green Bay Ave. Milwaukee, WI 53209</b>	e. Employer Representative <b>(b) (6), (b) (7)(C)</b> <b>(b) (6), (b) (7)(C) and</b> <b>(b) (6), (b) (7)(C)</b>	f. Fax No. <b>787-799-2930</b>
York Factory Direct Orlando Hub 4127 Seaboard Rd. Suite D Orlando, FL 32808		g. e-Mail <b>(b) (6), (b) (7)(C) @jci.com</b> and <b>(b) (6), (b) (7)(C) @jci.com</b>
		h. Dispute Location (City and State) <b>Orlando, Fla.</b>
i. Type of Establishment (factory, nursing home, hotel) <b>HVAC Corporation</b>	j. Principal Product or Service <b>Heating and Cooling</b>	k. Number of workers at dispute location <b>over 10000</b>

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since about October 2021, the above-named Employer, by its officers, agents, and representatives, has interfered, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by interrogating employees about their protected concerted activities and threatening employees with discharge.

During the past six months, the above Employer has maintained, enforced and/or promulgated work rules that prohibit or refrain employees from discussing or sharing the details of their salaries and benefits, share personal data, as well as the employee lists and internal organization charts thereby discouraging employees from exercising rights guaranteed to them by Section 7 of the Act.

On **(b) (6), (b) (7)(C)** 2022, the above-named Employer, by its officers, agents, and representatives, discriminated against employee **(b) (6), (b) (7)(C)** by discharging **(b) (6), (b) (7)(C)** in retaliation for and or in order to discourage protected concerted activities.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

**(b) (6), (b) (7)(C)**

## 4a. Address (street and number, city, state, and ZIP code)

**(b) (6), (b) (7)(C)**

## 4b. Tel. No.

## 4c. Cell No.

**(b) (6), (b) (7)(C)**

## 4d. Fax No.

4e. e-Mail **(b) (6), (b) (7)(C)**

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

## Tel. No.

same

By: **(b) (6), (b) (7)(C)** 03/29/2022**(b) (6), (b) (7)(C)**, an  
Individual

## Office, if any, Cell No.

same

(signature of representative or person making charge)

Print Name and Title e

Fax No. same

Address:

Date:

e-Mail same

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 24  
525 F D ROOSEVELT AVE STE 1002  
SAN JUAN, PR 00918-1002

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (833)215-9196  
Fax: (787)766-5478



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March 30, 2022

(b) (6), (b) (7)(C)

Johnson Controls-York International Corp.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

Re: York International Corp., a subsidiary or  
affiliate of Johnson Controls  
Case 12-CA-288929

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of the second amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner Cliff Ramos whose telephone number is (787)523-8687. If the agent is not available, you may contact Officer in Charge Vanessa Garcia whose telephone number is (787)523-8090.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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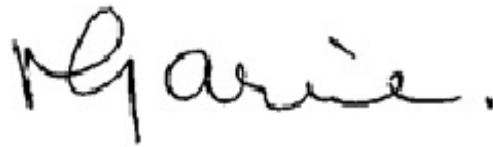
March 30, 2022

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If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

David Cohen  
Regional Director



By:

Vanessa Garcia  
Officer in Charge  
Enclosure: Copy of  
second amended charge

cc:

**(b) (6), (b) (7)(C)**  
York Factory Direct  
4127 Seaboard Rd, Suite D  
Orlando, FL 32808

Tammara M. Lovett, Esq.  
Johnson Controls, Inc.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

Jennifer Ellis, Counsel  
Johnson Controls  
6600 Congress Ave  
Boca Raton, FL 33487



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 24  
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March 30, 2022

(b) (6), (b) (7)(C)

Re: York International Corp., a subsidiary or  
affiliate of Johnson Controls  
Case 12-CA-288929

Dear (b) (6), (b) (7)(C)

We have docketed the second amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Examiner Cliff Ramos whose telephone number is (787)523-8687. If the agent is not available, you may contact Officer in Charge Vanessa Garcia whose telephone number is (787)523-8090.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the second amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

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March 30, 2022

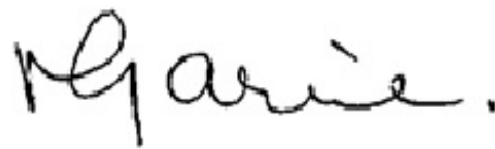
confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

David Cohen  
Regional Director

A handwritten signature in black ink, appearing to read "Vanessa Garcia", written in a cursive style.

By:

Vanessa Garcia  
Officer in Charge

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**JOHNSON CONTROLS - YORK  
INTERNATIONAL CORP.**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

**Case 12-CA-288929**

**AFFIDAVIT OF SERVICE OF SECOND AMENDED CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on March 30, 2022, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**  
Johnson Controls-York International Corp.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

Tammara M. Lovett, Esq.  
Johnson Controls, Inc.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

**(b) (6), (b) (7)(C)**  
York Factory Direct  
4127 Seaboard Rd, Suite D  
Orlando, FL 32808

Jennifer Ellis, Esq., Counsel  
Johnson Controls  
6600 Congress Ave  
Boca Raton, FL 33487

March 30, 2022

\_\_\_\_\_  
Date

Mayra Y. Rivera Molina  
Designated Agent of NLRB

\_\_\_\_\_  
Name

*/s/ Mayra Y. Rivera Molina*

\_\_\_\_\_  
Signature

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**3<sup>rd</sup> Amended CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:**

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
12-CA-288929	07/06/2021
<p>a. Name of Employer <b>York International Corp. and Johnson Controls, Inc.</b></p>	
<p>b. Tel. No. <b>(b) (6), (b) (7)(C)</b></p>	
<p>c. cell phone</p>	
<p>d. Address (street, city, state ZIP code) 5757 N. Green Bay Ave. Milwaukee, WI 53209</p> <p>York Factory Direct Orlando Hub 4127 Seaboard Rd. Suite D Orlando, FL 32808</p>	<p>e. Employer Representative <b>(b) (6), (b) (7)(C)</b> <b>(b) (6), (b) (7)(C)</b> and <b>(b) (6), (b) (7)(C)</b></p>
<p>f. Fax No. 787-799-2930</p>	
<p>g. e-Mail <b>(b) (6), (b) (7)(C)</b>@jci.com and <b>(b) (6), (b) (7)(C)</b>@jci.com</p>	
<p>h. Dispute Location (City and State) Orlando, Fla.</p>	
<p>i. Type of Establishment (factory, nursing home, hotel) HVAC Corporation</p>	<p>j. Principal Product or Service Heating and Cooling</p>
<p>k. Number of workers at dispute location over 10000</p>	
<p>l. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p>	
<p>2. Basis of the Charge (<i>set forth a clear and concise statement of the facts constituting the alleged unfair labor practices</i>)</p> <p>Since about October 2021, the above-named Employer, by its officers, agents, and representatives, has interfered, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by interrogating employees about their protected concerted activities and threatening employees with discharge.</p> <p>During the past six months, the above Employer has maintained, enforced and/or promulgated work rules that prohibit or refrain employees from discussing or sharing the details of their salaries and benefits, share personal data, as well as the employee lists and internal organization charts thereby discouraging employees from exercising rights guaranteed to them by Section 7 of the Act.</p> <p>On <b>(b) (6), (b) (7)(C)</b> 2022, the above-named Employer, by its officers, agents, and representatives, discriminated against employee <b>(b) (6), (b) (7)(C)</b> by discharging <b>(b) (6), (b) (7)(C)</b> in retaliation for and or in order to discourage protected concerted activities.</p>	
<p>3. Full name of party filing charge (<i>if labor organization, give full name, including local name and number</i>) <b>(b) (6), (b) (7)(C)</b></p>	
<p>4a. Address (street and number, city, state, and ZIP code) <b>(b) (6), (b) (7)(C)</b></p>	<p>4b. Tel. No.</p>
	<p>4c. Cell No. <b>(b) (6), (b) (7)(C)</b></p>
	<p>4d. Fax No.</p>
	<p>4e. e-Mail <b>(b) (6), (b) (7)(C)</b></p>
<p>5. Full name of national or international labor organization of which it is an affiliate or constituent unit (<i>to be filled in when charge is filed by a labor organization</i>)</p>	
<p>6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.</p>	
<p><b>(b) (6), (b) (7)(C)</b> <b>(b) (6), (b) (7)(C)</b> <b>(b) (6), (b) (7)(C)</b>, an Individual Signature of person making charge <b>(b) (6), (b) (7)(C)</b></p>	<p>Tel. No. same</p>
<p>Address <b>(b) (6), (b) (7)(C)</b></p>	<p>Office, if any, Cell No. same</p>
<p>Date: July 5, 2022</p>	<p>Fax No. same</p>
	<p>e-Mail same</p>

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 24  
525 F D ROOSEVELT AVE STE 1002  
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Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (833)215-9196  
Fax: (787)766-5478



Download  
NLRB  
Mobile App

July 7, 2022

(b) (6), (b) (7)(C)

York International Corp. and Johnson Controls, Inc.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

Re: York International Corp. and Johnson  
Controls, Inc.  
Case 12-CA-288929

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of the third amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner CLIFF RAMOS whose telephone number is (787)523-8687. If the agent is not available, you may contact Officer in Charge VANESSA GARCIA whose telephone number is (787)523-8090.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the third amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

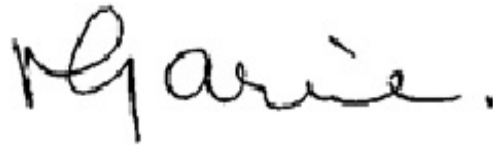
July 7, 2022

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

DAVID COHEN  
Regional Director



By:

VANESSA GARCIA  
Officer in Charge

Enclosure: Copy of third amended charge

cc:

(b) (6), (b) (7)(C)  
York International Corp. and Johnson  
Controls, Inc.  
4127 Seaboard Rd, Suite D  
Orlando, FL 32808



Tammara M. Lovett, Esq.  
Johnson Controls, Inc.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

Jennifer Ellis, Counsel  
Johnson Controls  
6600 Congress Ave  
Boca Raton, FL 33487



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 24  
525 F D ROOSEVELT AVE STE 1002  
SAN JUAN, PR 00918-1002

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (833)215-9196  
Fax: (787)766-5478



Download  
NLRB  
Mobile App

July 7, 2022

(b) (6), (b) (7)(C)

Re: York International Corp. and Johnson  
Controls, Inc.  
Case 12-CA-288929

Dear (b) (6), (b) (7)(C):

We have docketed the third amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Examiner CLIFF RAMOS whose telephone number is (787)523-8687. If the agent is not available, you may contact Officer in Charge VANESSA GARCIA whose telephone number is (787)523-8090.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the third amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

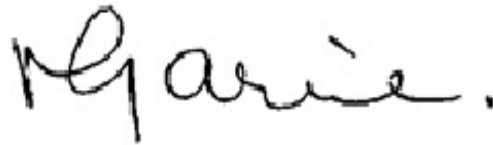
**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

DAVID COHEN  
Regional Director

A handwritten signature in black ink, appearing to read "V. Garcia", with a stylized flourish at the end.

By:

VANESSA GARCIA  
Officer in Charge

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**YORK INTERNATIONAL CORP. AND  
JOHNSON CONTROLS, INC.**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

**Case 12-CA-288929**

**AFFIDAVIT OF SERVICE OF THIRD AMENDED CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 7, 2022, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

York International Corp. and Johnson  
Controls, Inc.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

Tammara M. Lovett, Esq.  
Johnson Controls, Inc.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

**(b) (6), (b) (7)(C)**

York International Corp. and Johnson  
Controls, Inc.  
4127 Seaboard Rd, Suite D  
Orlando, FL 32808

Jennifer Ellis, Esq.  
Johnson Controls  
6600 Congress Ave  
Boca Raton, FL 33487

July 7, 2022

Date

Latoria Grinder,  
Designated Agent of NLRB

Name

*L. Grinder*

Signature

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 12**

YORK HEATING AND AIR CONDITIONING  
CORPORATION, a/k/a YORK INTERNATIONAL  
CORPORATION, a subsidiary of JOHNSON  
CONTROLS, INC. and JOHNSON CONTROLS, INC.

and

Case 12-CA-288929

**(b) (6), (b) (7)(C)**, an Individual

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by **(b) (6), (b) (7)(C)** (the Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that York Heating and Air Conditioning Corporation, a/k/a York International Corporation, a subsidiary of Johnson Controls, Inc. (Respondent York) and Johnson Controls, Inc. (Respondent Johnson, herein collectively referred to with Respondent York as Respondent), has violated the Act as described below.

1.

(a) The original charge in this proceeding was filed by the Charging Party on January 13, 2022, and a copy was served on Respondent by U.S. mail on January 14, 2022.

b) The first amended charge in this proceeding was filed by the Charging Party on March 21, 2022, and a copy was served on Respondent by U.S. mail on March 22, 2022.

c) The second amended charge in this proceeding was filed by the Charging Party on March 29, 2022, and a copy was served on Respondent by U.S. mail on March 30, 2022.



(d) The third amended charge in this proceeding was filed by the Charging Party on July 6, 2022, and a copy was served on Respondent by U.S. mail on July 7, 2022.

2.

(a) At all material times, Respondent York, a Delaware corporation with its principal office and place of business in Milwaukee, Wisconsin, and places of business throughout the United States and its territories, including in Orlando, Florida, herein called Respondent's Orlando facility, has been engaged in the manufacturing and sale of heating, ventilation, air-conditioning (HVAC) products, indoor air quality products, thermostats, building controls, parts and related products and services.

(b) At all times since on or about a date in mid-December 2005, Respondent York has been a wholly owned subsidiary of Respondent Johnson.

(c) During the past 12 months, Respondent York, in conducting its operations described above in paragraphs 2(a) and 2(b), purchased, and received, at its facilities in the State of Florida facility, goods valued in excess of \$50,000 directly from points outside the State of Florida.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3.

(a) At all material times, Respondent Johnson, a Wisconsin corporation with its principal office and place of business in Milwaukee, Wisconsin, and places of business throughout the United States and its territories, including in the State of Florida, has been engaged in the manufacturing and sale of heating, ventilation, air-conditioning (HVAC) products, building automation and controls systems, security products, fire detection and fire suppression systems, industrial refrigeration systems, and related products and services.

(b) During the past 12 months, Respondent Johnson, in conducting its operations described above in paragraph 2(a), purchased, and received, at its facilities in the State of Florida facility, goods valued in excess of \$50,000 directly from points outside the State of Florida.

(c) At all material times, Respondent Johnson has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act.:

**(b) (6), (b) (7)(C)**

5.

Since on or before September 22, 2021, Respondent has maintained and enforced the following rules in the Johnson Controls Code of Ethics, which applies to all employees of Respondent Johnson Controls and its subsidiaries and affiliated companies, including but not limited to Respondent York:

(a) WHAT WINNING LOOKS LIKE

We protect personal information by: ....

- Never sharing more personal information than is needed, or sharing it with anyone who does not have a business need to know

(b) WHAT CONFIDENTIAL INFORMATION LOOKS LIKE

Examples of confidential business information include: ....

- Salary details and other personal data
- Employee lists and internal organization charts

6.

On or about September 24, 2021, Respondent York, by (b) (6), (b) (7)(C), by telephone, directed employees not to tell anyone else their salaries.

7.

On or about September 29, 2021, Respondent, by (b) (6), (b) (7)(C), by telephone:

- (a) Interrogated employees about their discussion of salaries with coworkers.
- (b) Threatened employees with discharge for discussing salaries with coworkers.

8.

On or about dates in late September 2021, Respondent's employee (b) (6), (b) (7)(C) engaged in concerted activities for the purposes of mutual aid and protection by discussing salaries with other employees.

9.

- (a) On or about (b) (6), (b) (7)(C) 2022, Respondent discharged its employee (b) (6), (b) (7)(C)

(b) Respondent engaged in the conduct described above in paragraph 9(a) because (b) (6), (b) (7)(C) engaged in the conduct described above in paragraph 8, and to discourage employees from engaging in these or other concerted activities.

(c) Respondent engaged in the conduct described above in paragraph 9(a) because (b) (6), (b) (7)(C) violated the overbroad confidentiality rules described above in paragraphs 5(b), 6, and 7(b), and to discourage employees from engaging in these or other concerted activities.

10.

By the conduct described above in paragraphs 5(a), 5(b), 6, 7(a), 7(b), 9(a), 9(b), and 9(c), Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act, in violation of Section 8(a)(1) of the Act.

### REMEDIES SOUGHT

As part of the remedy for the unfair labor practices set forth above, the General Counsel seeks an order requiring that Respondent make whole (b) (6), (b) (7)(C), including but not limited to paying (b) (6), (b) (7)(C) for consequential economic harm (b) (6), (b) (7)(C) incurred as a result of Respondent's unlawful conduct. The General Counsel further seeks an order requiring Respondent to send a letter on its letterhead to (b) (6), (b) (7)(C) by electronic mail and U.S. mail that has been signed by its (b) (6), (b) (7)(C) responsible for the Orlando, Florida facility of Respondent York, informing (b) (6), (b) (7)(C) that all references to (b) (6), (b) (7)(C) discharge by Respondent have been removed from Respondent's files, that the discharge will not be used against (b) (6), (b) (7)(C) in any way, and that Respondent apologizes to (b) (6), (b) (7)(C) for any hardship or distress caused by the discharge, and assures (b) (6), (b) (7)(C) that Respondent will respect the rights of employees to discuss salaries, wages, and other terms and conditions of employment with coworkers and third parties. General Counsel further seeks the rescission of the portions of the Johnson Controls Code of Ethics quoted above in paragraphs 5(a) and 5(b), electronic internet and intranet notice of the rescission to all employees employed by Johnson Controls, Inc. and its subsidiaries and affiliates, including but not limited to Respondent York, at all locations of these entities in the United States and its territories.

The General Counsel further seeks notice posting and electronic and mail distribution remedies to all employees of Respondent employed at Respondent York's Orlando, Florida facility at any time since September 22, 2021, with respect to all unfair labor practices alleged in the complaint, and seeks notice posting and electronic and mail distribution remedies to all employees of Respondent Johnson Controls and its subsidiaries and affiliates, including but not limited to Respondent York, who were employed at any time since September 22, 2021 at all

other locations of Respondent in the United States and its territories at any time since September 22, 2021, with respect the unfair labor practices alleged above in paragraphs 5(a) and 5(b). The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The filed answer must be **received by this office on or before 11:59 p.m. on August 25, 2022.** Respondent also must serve a copy of the answer on each of the other parties.

Pursuant to Section 102.5(c) of the Board's Rules and Regulations, the answer must be filed electronically through the Agency's website unless Respondent is unable to file electronically, and accompanies the filing of its answer in paper format with a statement explaining why it does not have access to the means for filing electronically or why filing electronically would impose an undue burden. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section



102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

#### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **November 15, 2022**, at **9:30 a.m.**, at the **NLRB Hearing Room, 201 E. Kennedy Blvd., Suite 530, Tampa, Florida**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: August 12, 2022.



---

David Cohen, Regional Director  
National Labor Relations Board, Region 12  
201 E. Kennedy Blvd., Suite 530  
Tampa, Florida 33602-5824

Attachments

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 12-CA-288929

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

E-Issuance:

(b) (6), (b) (7)(C)@jci.com

(b) (6), (b) (7)(C)

York International Corp. and Johnson Controls, Inc.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

E-Issuance:

tammara.lovett@jci.com

Tammara M. Lovett, Esq.  
Johnson Controls, Inc.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

Certified Mail, Return Receipt

(b) (6), (b) (7)(C)

York International Corp. and Johnson  
Controls, Inc.  
4127 Seaboard Rd, Suite D  
Orlando, FL 32808

E-Issuance:

jennifer.ellis@jci.com

Jennifer Ellis, Esq.  
Johnson Controls  
6600 Congress Ave  
Boca Raton, FL 33487

(b) (6), (b) (7)(C)

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

(OVER)

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.



UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
SUBREGION 24

**YORK HEATING AND AIR CONDITIONING CORPORATION, a/k/a YORK INTERNATIONAL CORPORATION, a subsidiary of JOHNSON CONTROLS, INC. and JOHNSON CONTROLS, INC.**

and

Case 12-CA-288929

**(b) (6), (b) (7)(C)**, an Individual

**AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **August 12, 2022**, I served the above-entitled document(s) by **certified and e-Issuance**, as noted below, upon the following persons, addressed to them at the following addresses:

E-Issuance:

**(b) (6), (b) (7)(C)**@jci.com

**(b) (6), (b) (7)(C)**

York International Corp. and Johnson Controls, Inc.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

E-Issuance:

tammara.lovett@jci.com

Tammara M. Lovett, Esq.  
Johnson Controls, Inc.  
5757 N Green Bay Ave  
Milwaukee, WI 53209

**(b) (6), (b) (7)(C)**

Certified Mail, Return Receipt

**(b) (6), (b) (7)(C)**

York International Corp. and Johnson Controls, Inc.  
4127 Seaboard Rd, Suite D  
Orlando, FL 32808

E-Issuance:

jennifer.ellis@jci.com

Jennifer Ellis, Esq.  
Johnson Controls  
6600 Congress Ave  
Boca Raton, FL 33487

August 12, 2022

Date

Santos I. Berrios, Designated Agent of  
NLRB

Name

/s/Santos I. Berrios

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 12-CA-288929

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

E-Issuance:

(b) (6), (b) (7)(C)@jci.com

(b) (6), (b) (7)(C)

York International Corp. and Johnson Controls, Inc.

5757 N Green Bay Ave

Milwaukee, WI 53209

E-Issuance:

[tammara.lovett@jci.com](mailto:tammara.lovett@jci.com)

Tammara M. Lovett, Esq.

Johnson Controls, Inc.

5757 N Green Bay Ave

Milwaukee, WI 53209

(b) (6), (b) (7)(C)

Certified Mail, Return Receipt

(b) (6), (b) (7)(C)

York International Corp. and Johnson Controls, Inc.

4127 Seaboard Rd, Suite D

Orlando, FL 32808

E-Issuance:

[jennifer.ellis@jci.com](mailto:jennifer.ellis@jci.com)

Jennifer Ellis, Esq.

Johnson Controls

6600 Congress Ave

Boca Raton, FL 33487

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing.

(OVER)

If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

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|--|----------|
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ _____ |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ _____ |
| <input type="checkbox"/> Adult Signature Required            | \$ _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ _____ |

Postage

**(b) (6), (b) (7)(C)**

York Heating and Air Conditioning Corp.  
4127 Seaboard Rd, Suite D  
Orlando, FL 32808

CA-288929

Postmark

Here

CPT  
Rafael Ayar

## Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

### Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece; for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.
  - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
  - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
  - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

**IMPORTANT: Save this receipt for your records.**





**OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.**

*Attorneys at Law*

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695 Town Center Drive  
Costa Mesa, CA 92626  
Telephone: 714.800.7900  
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[www.ogletreedeakins.com](http://www.ogletreedeakins.com)

Daniel A. Adlong  
714.800.7997  
[daniel.adlong@ogletree.com](mailto:daniel.adlong@ogletree.com)

September 14, 2022

**VIA ELECTRONIC FILING**

Mr. David Cohen, Regional Director  
NATIONAL LABOR RELATIONS BOARD  
Region 12  
201 East Kennedy Blvd., Suite 530  
Tampa, FL 33602-5824

RE: York Heating and Air Conditioning Corporation, a/k/a York International Corporation, a subsidiary of Johnson Controls, Inc. and Johnson Controls, Inc.  
Case Number: 12-CA-288929

Dear Mr. Cohen:

Our office will represent York Heating and Air Conditioning Corporation, a/k/a York International Corporation, a subsidiary of Johnson Controls, Inc. and Johnson Controls, Inc. ("York") in this matter. Please consider this letter York's notice of appearance and direct all communication to me as the legal representative:

Daniel A. Adlong, Esq.  
[daniel.adlong@ogletree.com](mailto:daniel.adlong@ogletree.com)  
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
695 Town Center Drive, Suite 1500  
Costa Mesa, CA 92626  
Telephone: (714) 800-7900  
Facsimile: (714) 754-1298

As additional service, can you please also serve my assistant below:

Erin Montgomery  
[erin.montgomery@ogletree.com](mailto:erin.montgomery@ogletree.com)  
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
695 Town Center Drive, Suite 1500  
Costa Mesa, CA 92626  
Telephone: (714) 800-7900  
Facsimile: (714) 754-1298



Please do not hesitate to contact me. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, consisting of a series of connected loops and a long horizontal stroke extending to the right.

Daniel A. Adlong

DAA:em

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 12**

**YORK HEATING AND AIR CONDITIONING  
CORPORATION, a/k/a YORK INTERNATIONAL  
CORPORATION, a subsidiary of JOHNSON  
CONTROLS, INC. and JOHNSON CONTROLS, INC.**

**Case 12-CA-288929**

**and**

**(b) (6), (b) (7)(C), an individual**

**ANSWER TO COMPLAINT**

Respondent YORK HEATING AND AIR CONDITIONING CORPORATION, a/k/a YORK INTERNATIONAL CORPORATION, a subsidiary of JOHNSON CONTROLS, INC. and JOHNSON CONTROLS, INC. (Respondent), through undersigned counsel and pursuant to Sections 102.20-21 of the Rules and Regulations of the National Labor Relations Board, answers the Complaint in the above-referenced matter as follows.

Respondent answers each correspondingly numbered and lettered and unnumbered and unlettered paragraph and subparagraph of the Complaint as follows.

Respondent answers the first unnumbered and unlettered paragraph of the Complaint at the first page of the Complaint by denying that it has engaged in unfair labor practices as alleged, and otherwise is without knowledge or information sufficient to form a belief as to the truth of the averments of this unnumbered paragraph.

1. (a) Admitted.

(b) Admitted.

(c) Admitted.

(d) Admitted.

2. (a) Admitted.  
(b) Admitted.  
(c) Admitted.  
(d) Admitted.
3. (a) Admitted.  
(b) Admitted.  
(c) Admitted.
4. Admits the 2(11) status of the identified individuals, but denies all other allegations of the paragraph 4.
5. Denied.
6. Denied.
7. Denied.
8. Denied.
9. (a) Admitted.  
(b) Denied.  
(c) Denied.
10. Denied.

Respondent responds to the unnumbered and unlettered paragraphs at the fifth, sixth, and seventh page after the headings “Remedies Sought,” “Answer Requirement” and “Notice of Hearing” of the Complaint by stating that these are informational paragraphs and do not require an admission or denial from the Respondent.

Respondent further responds to each and every numbered, lettered, unnumbered and unlettered paragraph and subparagraph of the Complaint by stating that any allegation not admitted specifically is denied.

### **FIRST DEFENSE**

Some or all of the claims against Respondent fail because they do not state a claim for which relief may be granted under the Act.

## **SECOND DEFENSE**

Some or all of the claims against Respondent fail because the acts alleged are not illegal under the Act.

## **THIRD DEFENSE**

Respondent reserves the right, upon any disclosure of the General Counsel's request for relief, to assert that some or all of the requests for relief sought against Respondent are, in addition to being unavailable because Respondent did not commit any violations of the Act, beyond the scope permitted by the Act and constitute improper requests for relief, or are punitive requests for relief not permitted by the Act.

## **FOURTH DEFENSE**

Respondent reserves the right to present additional defenses as permitted by the National Labor Relations Act and the Board's Rules and Regulations.

WHEREFORE, Respondent YORK HEATING AND AIR CONDITIONING CORPORATION, a/k/a YORK INTERNATIONAL CORPORATION, a subsidiary of JOHNSON CONTROLS, INC. and JOHNSON CONTROLS, INC. denies that it engaged in any act which violated the National Labor Relations Act. Respondent requests that the Complaint be dismissed in its entirety with prejudice and that Respondent be awarded its costs and attorneys' fees in connection with this matter, and other relief as deemed appropriate.

Date: October 20, 2022

Respectfully submitted,

/s/ Daniel A. Adlong  
Daniel A. Adlong, Esq.  
OGLETREE DEAKINS NASH  
SMOAK & STEWART, PC  
Park Tower, Fifteenth Floor  
695 Town Center Drive  
Costa Mesa, CA 92626  
Telephone: 714-800-7900  
Facsimile: 714-754-1298  
Email: daniel.adlong@ogletree.com

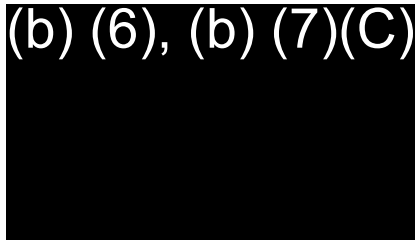
**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 20<sup>th</sup> day of October 2022, the foregoing, **ANSWER TO COMPLAINT**, was filed via electronic filing with:

David Cohen, Regional Director  
NLRB Region 12  
201 East Kennedy Blvd., Suite 530  
Tampa, FL 33602-5824

and served via e-mail upon:

(b) (6), (b) (7)(C)



/s/ Daniel A. Adlong  
Daniel Adlong, Esq.

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
SETTLEMENT AGREEMENT

**IN THE MATTER OF:**

**York International Corp. and Johnson Controls, Inc.**

**Case 12-CA-288929**

Subject to the approval of the Regional Director for the National Labor Relations Board, York International Corp. and Johnson Controls, Inc., herein collectively referred to as the Charged Party, and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

**POSTING OF NOTICES** – After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notices to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of York International Corp. will then sign and date the Notices marked Appendix A, and a responsible official of Johnson Controls, Inc. will then sign and date the Notices marked Appendix B. The Charged Party will post the Notice marked Appendix A in conspicuous places, including all places where notices to employees are customarily posted, at its facility located in Orlando, Florida located at 4127 Seaboard Road, Orlando, FL 32808. During the first and fifth weeks of the 60-day notice posting period the Charged Party will e-file with the Regional Director of Region 12 at [www.nlr.gov](http://www.nlr.gov), current dated photographs of all posted Notices. The Charged Party shall grant agents of the National Labor Relations Board access to its premises for the purposes of confirming that the Notices are posted pursuant to the terms of this Agreement.

**E-MAILING OF NOTICES** — The Charged Party will also email copies of the signed Notice marked Appendix A in English, and in additional languages if the Regional Director decides that it is appropriate, to all sales employees of York International Corp. employed at its facility located in Orlando, Florida located at 4127 Seaboard Road, Orlando, FL 32808. The message of the e-mail transmitted with the Notice will state only: “We are distributing the attached Notice to you pursuant to a Settlement Agreement approved by the Regional Director of Region 12 of the National Labor Relations Board in Case(s) 12-CA-288929.” To document its compliance with this requirement, the Charged Party will e-file a copy of its distribution e-mail, with all of the recipients’ e-mail addresses visible, along with a copy of the attached Notices and a fully completed Certification of Posting form, via the Agency’s e-filing portal at [www.nlr.gov](http://www.nlr.gov).

**INTRANET POSTING OF NOTICE MARKED APPENDIX B** — The Charged Party will also post the signed and dated Notice marked Appendix B in English, and in additional languages if the Regional Director decides that it is appropriate to do so, on the Johnson Controls, Inc. intranet site, [www.myjci.com](http://www.myjci.com), and keep it continuously posted there for 60 consecutive days from the date it is initially posted on its intranet site. The Charged Party will also post the Johnson Controls Code of Ethics that has been lawfully revised so that it is consistent with the provisions in Appendix B on its intranet site for at least 60 consecutive days from the date it is initially posted on the Johnson Controls, Inc. intranet site, [www.myjci.com](http://www.myjci.com). The home page of the intranet site will contain prominently displayed links to Appendix B and to the lawfully revised Johnson Controls Code of Ethics while those items are posted on the intranet site. The Charged Party will electronically file a screen shot of the intranet postings at [www.nlr.gov](http://www.nlr.gov) together with the completed Certification of Posting. The Charged Party shall also notify the Regional Director for Region 12 promptly after the Notice marked Appendix B and the lawfully revised Johnson Controls Code of Ethics are posted on its intranet site. Upon request by a Region 12 agent during the intranet posting period, the Charged Party shall provide the Region 12 agent with a means of viewing the intranet postings.

Initials: DAA

(b) (6), (b) (7)(C)



Neither a copy of this Agreement nor any other side notice shall be physically or electronically posted or emailed with the Board's notices.

**COMPLIANCE WITH NOTICES** — The Charged Party will comply with all the terms and provisions of said Notices.

**BACKPAY** — Within 14 days from approval of this agreement, York International Corp. will provide the Regional Director with payment making the below-named employee whole in the amounts opposite (b) (6), (b) (7)(C) name. York International Corp. will make appropriate withholdings from backpay for the named employee. No withholdings shall be made from the interim expenses, interest, or excess tax liability amounts. York International Corp. will compensate the named employee for the adverse tax consequences, if any, of receiving a lump-sum backpay award. Within 21 days from approval of this agreement, York International Corp. will provide the Regional Director with a Backpay report allocating the backpay payment to the appropriate calendar year(s) and a copy of the IRS form W-2 for wages earned in the current calendar year by the named employee.

Name	Backpay	Interim Expenses	Interest	Excess Tax	Total
(b) (6), (b) (7)	\$29,681.00	(b) (6), (b) (7)(C)	\$571.00	0	(b) (6), (b) (7)(C)

**LETTER TO** (b) (6), (b) (7)(C) — Within 14 days of approval of this Agreement, York International Corp. shall send the letter described below by United States mail to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), and by email to (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C). York International Corp. shall e-file a copy of the letter and the email message to which the letter is attached with the Regional Director for Region 12 at [www.nlrb.gov](http://www.nlrb.gov). The letter shall be on the York International Corp. letterhead, addressed to (b) (6), (b) (7)(C) dated, and shall be signed by (b) (6), (b) (7)(C). The letter shall state:

York International Corp. has removed from our files all references to your discharge and your discharge will not be used against you in any way. We apologize to you for any hardship or distress caused by your discharge, and assure you that we will respect the rights of our employees to engage in protected concerted activities regarding their salaries and other terms and conditions of employment with other employees and third parties.

**SCOPE OF THE AGREEMENT** — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

**PARTIES TO THE AGREEMENT** — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

Initials: DAA

(b) (6), (b) (7)(C)

**AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY** — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes DAA                      No                       
                    Initials                      Initials

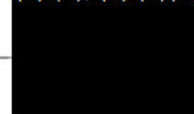
**PERFORMANCE** — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the complaint previously issued on August 12, 2022, in the instant case, including the allegations covered by the Notice to Employees, as identified above in the Scope of Agreement section, as well as the filing and service of the charge(s), commerce facts necessary to establish Board jurisdiction, labor organization status, appropriate bargaining unit (if applicable), and any other allegations the General Counsel would ordinarily plead to establish the unfair labor practices. Thereafter, the General Counsel may file a Motion for Default Judgment with the Board on the allegations of the Complaint. The Charged Party understands and agrees that all of the allegations of the Complaint will be deemed admitted and that it will have waived its right to file an Answer to such Complaint. The only issue that the Charged Party may raise before the Board will be whether it defaulted on the terms of this Settlement Agreement. The General Counsel may seek, and the Board may impose, a full remedy for each unfair labor practice identified in the Notice to Employees. The Board may then, without necessity of trial or any other proceeding, find all allegations of the complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Charged Party agrees that the Board may then issue an order providing, as elected by the Regional Director, a full remedy for the violations found as is appropriate to remedy such violations, and/or an order requiring the Charged Party to perform terms of this settlement agreement as specified by the Regional Director. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon Charged Party/Respondent at the last address provided to the General Counsel.

**NOTIFICATION OF COMPLIANCE** — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional


Initials: DAA

(b) (6), (b) (7)(C)







Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

<b>Charged Party - York International Corp.</b>		<b>Charging Party - (b) (6), (b) (7)(C), an Individual</b>	
By: Name and Title	Date	By: Name and Title	Date
 11/10/22		(b) (6), (b) (7)(C) 11-14-22	
Print Name and Title below			
Daniel A. Adlong, Attorneys for		(b) (6), (b) (7)(C) - SELF Individual	

<b>Charged Party - Johnson Controls, Inc.</b>			
By: Name and Title	Date		
 11/10/22		(b) (6), (b) (7)(C) 11-14-2022	Individual
Print Name and Title below			
Daniel A. Adlong, Attorneys for		(b) (6), (b) (7)(C) Individual	

Recommended By:	Date	Approved By:	Date
/s/ Rafael Aybar Rafael Aybar Field Attorney	11/14/2022	 David Cohen Regional Director, Region 12	November 16, 2022

Initials: DAA

(b) (6), (b) (7)(C)

## APPENDIX A

(To be printed and posted on official Board notice form)

### **THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:**

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

**WE WILL NOT** threaten you with discharge or other reprisals if you discuss salaries with other employees and **WE WILL NOT** otherwise prohibit you from discussing salaries with other employees.

**YOU HAVE THE RIGHT** to discuss salaries and other terms and conditions of employment with other employees, and **WE WILL NOT** do anything to interfere with your exercise of that right.

**WE WILL NOT** ask you about your discussions with other employees regarding salaries.

**WE WILL NOT** discharge you or otherwise discriminate against you because you discuss salaries with other employees.

**WE WILL NOT** maintain rules or policies that require our employees to keep personal information, personal data, salary details, employee lists, or internal organization charts confidential.

**WE WILL NOT** in any like or related manner interfere with, restrain, or coerce you in the exercise of the above rights guaranteed in Section 7 of the National Labor Relations Act.

**WE WILL** pay (b) (6), (b) (7)(C) for the wages and other benefits (b) (6), (b) (7)(C) lost as a result of (b) (6), (b) (7)(C) discharge, plus interest, and **WE WILL** also make (b) (6), (b) (7)(C) whole for reasonable search-for-work and interim employment expenses, plus interest. (b) (6), (b) (7)(C) has waived (b) (6), (b) (7)(C) right to reinstatement to (b) (6), (b) (7)(C) former job or a substantially equivalent job.

**WE WILL** remove from our files all references to the discharge of (b) (6), (b) (7)(C), and **WE WILL** notify (b) (6), (b) (7)(C) in writing that this has been done, that the discharge will not be used against (b) (6), (b) (7)(C) in any way, and that we apologize to (b) (6), (b) (7)(C) for any hardship or distress caused to (b) (6), (b) (7)(C) because we discharged (b) (6), (b) (7)(C) and assure (b) (6), (b) (7)(C) that we will respect the rights of our employees to talk about salaries and other terms and conditions of employment with other employees.

**WE WILL** compensate (b) (6), (b) (7)(C) for the adverse tax consequences, if any, of receiving a lump-sum backpay award.

Initials: DAA

(b) (6), (b) (7)(C)

WE WILL file with the Regional Director for Region 12 a report allocating the backpay awards to the appropriate calendar year(s) for (b) (6), (b) (7)(C) and a copy of (b) (6), (b) (7)(C) W-2 form reflecting the backpay award.

WE WILL rescind or lawfully revise the portions of the Johnson Controls Code of Ethics that prohibit employees from sharing more personal information than is needed and prohibit employees from sharing personal information with anyone who does not have a business need to know.

WE WILL rescind or lawfully revise the portions of the Johnson Controls Code of Ethics that list or define salary details, personal data, employee lists, and internal organization charts as examples of confidential information.

WE WILL provide all employees of Johnson Controls Inc. and its subsidiaries and affiliates in the United States and its territories with a revised version of the Johnson Controls Code of Ethics that is consistent with the provisions of this Notice.

**YORK INTERNATIONAL CORP.**

\_\_\_\_\_  
(Employer)

Dated: 11/10/22

By: Daniel A. Adlong, Attorneys for

(Representative)

(Title)

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*The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation, and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: [www.nlr.gov](http://www.nlr.gov).*

National Labor Relations Board, Region 12  
201 E Kennedy Blvd Ste 530  
Tampa, FL 33602-5824

Telephone: (813) 228-2641

Hours of Operation: 8 a.m. to 4:30 p.m.

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**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE**

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

Initials: DAA

(b) (6), (b) (7)(C)



## APPENDIX B

(To be printed and posted on official Board notice form)

### THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

**WE WILL NOT** maintain rules or policies that require our employees to keep personal information, personal data, salary details, employee lists, or internal organization charts confidential.

**WE WILL NOT** in any like or related manner interfere with, restrain, or coerce you in the exercise of the above rights guaranteed in Section 7 of the National Labor Relations Act.

**WE WILL** rescind or lawfully revise the portions of the Johnson Controls Code of Ethics that prohibit employees from sharing more personal information than is needed and prohibit employees from sharing personal information with anyone who does not have a business need to know.

**WE WILL** rescind or lawfully revise the portions of the Johnson Controls Code of Ethics that list or define salary details, personal data, employee lists, and internal organization charts as examples of confidential information.

**WE WILL** provide all employees of Johnson Controls Inc. and its subsidiaries and affiliates in the United States and its territories with a revised version of the Johnson Controls Code of Ethics that is consistent with the provisions of this Notice.

**JOHNSON CONTROLS, INC.**

\_\_\_\_\_  
(Employer)

**Dated:** 11/10/22

**By:** Daniel A. Adlong, Attorneys for

(Representative)

(Title)

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(b) (6), (b) (7)(C)

Initials: DAA

*set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: [www.nlr.gov](http://www.nlr.gov).*

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Initials: DAA

(b) (6), (b) (7)(C)

